

REMARKS

This is in response to the Office Action dated January 16, 2007. Applicant has amended the application as set forth above. In more specific, claims 1-4 have been canceled, and claims 5-13 have been added. All the features of the added claims are fully supported by the originally filed application including the original claims. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, claims 5-13 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Discussion of Abstract

The Examiner pointed out that *Abstract* should be clear and concise and should not repeat information given in the title. In response, Applicant has amended *Abstract* to meet the Examiner's teaching.

Claim Objections

The Examiner objected the claims because they include informalities. In order to expedite the prosecution, Applicant has canceled claims 1-4. Therefore, withdrawal of the claim objections is respectfully requested.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected claims 1-2 under 35 U.S.C. §102(b) as being anticipated by Gondek (US Patent No. 2,937,038). Applicant respectfully disagrees with the Examiner. However, Applicant has canceled claims 1-2 solely to expedite the prosecution of the application. Therefore, this rejection is moot. Withdrawal of the rejection is respectfully requested.

Gondek Does Not Anticipates Pending Claim 5

Applicant respectfully submits that claim 5 is not anticipated by Gondek.

The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*. 778 F.2d 775 (Fed. Cir. 1985). More particularly, the finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). “To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim.” *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001).

Disclosure of Gondek

Gondek discloses a pressure pipe fitting comprising a body (15), flanges (22, 23), an undercut portion (19), an inclined surface (20), passages (16, 17), and a shoulder (21). The body (15) includes the flanges (22, 23), through which the passages (16, 17) extend. (See, e.g., col. 3, lines 8-15; col. 2, lines 60-72; Figs. 1, 3, and 8).

Gondek Does Not Anticipate Claim 5

Claim 5 is directed to a pipe fixing system. The features include: the system can easily fix or connect and remove a pipe structure without welding or other auxiliary work; the system provides a pipe structure connecting system; and the system provides the stopping part (21) for stopping movement of the pipe inserted into the body (20).

As discussed above, Gondek discloses the pressure pipe fitting. However, Gondek's pressure pipe fittings does not have an element which is called “stopping part” in the present invention (reference numeral, 21 in Figs. 1, 4, and 6). Since it is formed on the lower portion of the inside of the body, the stopping part completely stops the pipe inserted into the body from moving longitudinally at least in one direction. This feature becomes very important when two pipe fixing systems according to the present invention are connected to each other. Each of two pipes inserted into two bodies of the two pipe fixing systems is completely prevented from moving toward each other. In other words, each of the two pipe fixing systems or one combined dual pipe fixing system as in Figs. 5 and 6 is completely prevented from being loosened and sliding along the pipes.

The Examiner mentioned that the element having the reference numeral 23 corresponds to a stopping part of the present invention. However, the element with the reference numeral 23 in Gondek's disclosure is not a stopping part, but a flange. As seen clearly in Gondek's Figs. 1, 3, and 8, the flange (23) does not stop the pipe longitudinally.

In view of foregoing, Gondek does not anticipate claim 5. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 3-4 under 35 U.S.C. §103(a) as being unpatentable over Gondek in view of Miller (US Patent No. 4,753,461). Applicant respectfully disagrees with the Examiner. However, Applicant has canceled claims 3-4 solely to expedite the prosecution of the application. Therefore, this rejection is moot. Withdrawal of the rejection is respectfully requested.

Prima Facie Case of Obviousness

The Patent and Trademark Office has the burden under section 103 to establish a *prima facie case* of obviousness. In *re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-87 (Fed. Cir. 1984). To establish a *prima facie case* of obviousness, three basic criteria must be met: first, the prior art reference (or references when combined) must teach or suggest all the claim limitations; second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; finally, there must be a reasonable expectation of success. M.P.E.P. §2143.

Disclosure of Miller

Miller teaches coupling for coupling tubular members. The coupling includes a coupling (10.3) as in Fig. 2 and Fig. 6.

No Prima Facie Case of Obviousness Has Been Established

As discussed, Gondek does not teach or suggest the claimed features of claims 1-2 and further claims 3-4 for that matter. Gondek does not suggest a *stopping part* is formed on the

lower portion of the *inside* of the body for stopping the pipe inserted into the body. Also, as seen clearly in Miller's Figs. 2, 6, and 9, Miller does not remedy the deficiencies of Gondek. As such, the combination of Gondek and Miller does not provide every element of the added claim 12. Therefore, the combination does not establish a *prima facie* case of obviousness. Applicant respectfully requests allowance of claim 12.

Dependent Claims

Although applicant has not addressed all the issues of the dependent claims, applicant respectfully submits that applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the examiner, and applicant submits that each claim is patentable on its own merits. Claims 2-11 and 13 are dependent either directly or indirectly on claims 5 and 12. Therefore, Applicant respectfully requests prompt allowance of the claims.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 5-13 are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

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